

DECLARATION OF JOHN V. SWINSON

EXHIBIT A

Exhibit A



Copyright Act 1968

Act No. 63 of 1968 as amended

This compilation was prepared on 26 July 2007
taking into account amendments up to Act No. 28 of 2007

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

Prepared by the Office of Legislative Drafting and Publishing,
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Copyright in subject-matter other than works Part IV
Infringement of copyright in subject-matter other than works Division 6

Section 100A

**Division 6—Infringement of copyright in subject-matter
other than works**

100A Interpretation

In this Division, *audio-visual item* means a sound recording, a cinematograph film, a sound broadcast or a television broadcast.

101 Infringement by doing acts comprised in copyright

- (1) Subject to this Act, a copyright subsisting by virtue of this Part is infringed by a person who, not being the owner of the copyright, and without the licence of the owner of the copyright, does in Australia, or authorizes the doing in Australia of, any act comprised in the copyright.
- (1A) In determining, for the purposes of subsection (1), whether or not a person has authorised the doing in Australia of any act comprised in a copyright subsisting by virtue of this Part without the licence of the owner of the copyright, the matters that must be taken into account include the following:
 - (a) the extent (if any) of the person's power to prevent the doing of the act concerned;
 - (b) the nature of any relationship existing between the person and the person who did the act concerned;
 - (c) whether the person took any other reasonable steps to prevent or avoid the doing of the act, including whether the person complied with any relevant industry codes of practice.
- (2) The next two succeeding sections do not affect the generality of the last preceding subsection.
- (3) Subsection (1) applies in relation to an act done in relation to a sound recording whether the act is done by directly or indirectly making use of a record embodying the recording.